

CHAPTER NO. 401

HOUSE BILL NO. 524

By Representative Chumney

Substituted for: Senate Bill No. 984

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 5 and Title 37, Chapter 1, relative to juveniles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-607, is amended by adding the following at the end of subsection (a)(1):

Such data shall be reported to the judiciary committees of the senate and the house of representatives, the house children and family affairs committee and the select committee on children and youth by January 15 of each year, along with a progress report on the teams and any recommendations for enhancement of the child sexual abuse plan and program.

SECTION 2. Tennessee Code Annotated, Section 37-5-105, is amended by adding the following language after the words "general assembly" and before the language ", other persons" in subdivision (4)(A):

including the house children and family affairs committee,

SECTION 3. Tennessee Code Annotated, Section 37-1-612(c), is amended by deleting the word "and" at the end of subdivision (4), and by adding the following language as new, appropriately designated subdivisions:

(6) An attorney or next friend who is authorized to act on behalf of the child, who is the subject of the records, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person or persons who may be responsible for the actions of the perpetrator; and

(7) An attorney or next friend who is authorized to act on behalf of another child, who has been the victim of other abuse by the same perpetrator, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person or persons who may be responsible for the actions of the perpetrator against such other child; provided however, that:

(A) The name and identity of such other child shall be revealed only to the attorney or next best friend of such other child, to the parties and to their respective counsel in the civil cause of action in which such damages or other remedies are sought, and to the trial judge who presides over the action;

(B) An appropriate protective order must be entered prior to such disclosure; and

(C) Before any attempt is made to introduce into evidence in the civil cause of action either the records or information obtained from the records, written consent must be obtained from:

(i) Each parent or guardian having sole or joint custody of such other child, if the child has not yet attained the age of majority; or,

(ii) The former child, if he or she has now attained the age of majority.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any investigation or any civil cause of action pending or filed on or after the effective date of this act.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 7, 2001

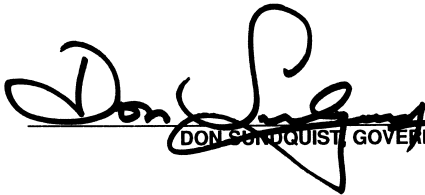


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of June 2001



DON SUNDQUIST, GOVERNOR